

1 day this happened. You'd go look at the
2 boat, I take it, and look at the motor?

3 A. Uh-huh.

4 Q. And what would you be looking for? What
5 would you do?

6 A. Oh, I'd just -- when you say, "*I'm*
7 *looking at it,*" as what, sort of an
8 owner, or --

9 Q. Let's say I called you up and said, "*Hey,*
10 *I represent Cashman,*" or Mr. Rosenthal
11 called you up and said, "*I represent*
12 *Steve Ramsey, and we've had a problem*
13 *with this boat, and we want you to go*
14 *look at it and tell us what you think,*"
15 what would the drill be?

16 A. I'd check out all of these pieces and
17 find out whether they were bad, at that
18 point. But, I wouldn't know whether they
19 were bad because of a condition that
20 preexisted, or this time in the salt
21 water. So, probably I couldn't do very
22 much with it. It's been damaged a second
23 time, and we cannot separate out the
24 damage before from the damage after, very

1 easily.

2 Q. I see. And all these pieces wear out on
3 their own at some point regardless of
4 whether they're emerged in salt water?

5 A. Perhaps; perhaps.

6 Q. Nothing lasts forever.

7 A. Right, most things don't. I can't think
8 of very much.

9 Q. And let me ask you, if something had
10 shorted out, would there be telltale
11 signs that this was an electrical
12 problem?

13 A. If something kept shorting out, you could
14 always send it back to Hochstrasser and
15 say, *"Figure out what's happening."*

16 Q. No, I mean after the fact. Is there a
17 way you could have looked at that motor,
18 and there'd be telltale signs that there
19 was an electrical problem?

20 A. Yeah. You'd find corrosion someplace.
21 You could pull each part, that is, each
22 piece apart, and test it individually. I
23 don't know where this would get you,
24 though, because we had a second dunking,

1 a second emersion; whether you could
2 figure out that it had to do with the
3 first emersion or the second emersion. I
4 don't know whether you could find that
5 out.

6 Let's assume the first time you
7 did everything perfectly. You did
8 exactly what Hochstrasser told us to do.
9 You changed everything. And then we had
10 a second dunking, the same pieces
11 probably would be required to be changed
12 out. You'd go through the same drill the
13 second time, because we had a second
14 sinking. So, you change out everything
15 the second time.

16 Q. Okay. Let me ask you this -- I know
17 you've read Mr. Ramsey's testimony. The
18 boat stalled out on him as he returned to
19 the barge; did you understand that?

20 A. Yes.

21 Q. And then you understand that he worked on
22 the boat a little bit?

23 A. Yes. Worked on the boat a little, --

24 Q. Worked on the motor.

1 A. Tried to get it started, yes.

2 Q. Yeah, what do you understand that he did?

3 A. I don't know. He was there working on
4 it. What he actually did, I don't know.

5 Q. Okay, but at some point he got it started
6 up again?

7 A. He got it started up again.

8 Q. Does that lead you to believe one way or
9 the other that it's more likely or less
10 likely that the problem was electrical?

11 A. I don't know what to make of it, because
12 I don't know what he did.

13 Q. Well, if something shorts out, would you
14 be able to start it up again?

15 A. Jiggle a wire, perhaps. I don't know
16 what he did.

17 Q. How likely would that be?

18 A. I don't know what he did, whether that
19 was the problem or not.

20 Q. What I'm trying to --

21 A. I don't know what the problem is. I
22 can't answer your question.

23 Q. Okay, let me just ask it in a general
24 sense, then. If an outboard motor stalls

1 out because of an electrical problem, how
2 likely is it that the motor would then --
3 you'd be able to get it going again?

4 MR. ROSENTHAL: Objection to
5 form.

6 A. If you change out the electrical problem,
7 it'll fix the --

8 Q. No, no, I don't mean that. I mean, I'm
9 driving my outboard motor back to the
10 barge and it stalls out. I drift back to
11 the barge, and then 5 or 10 minutes later
12 I get the motor going again. How likely
13 is that if it was an electrical problem?

14 MR. ROSENTHAL: Objection to
15 form.

16 A. I don't know. I can't answer the
17 question.

18 Q. What's the problem with the question?
19 I'm looking for your answer on this.

20 A. Yeah, I don't really -- he can jiggle
21 something, and all of a sudden it makes
22 good contact again.

23 Q. Would that be for a loose wire?

24 A. Possibly. I'm thinking the easiest

1 explanation -- you have a flashlight that
2 doesn't really work -- I've got it, a
3 television clicker, changing channels.
4 It has a couple of batteries in it. And
5 all of a sudden you can't change the
6 channel; it doesn't work. You open it up
7 and you rub the batteries, the end of the
8 batteries; put them back in. And low and
9 behold, like magic, it works again. What
10 have you done? You've changed some
11 resistant values, or jiggling a wire,
12 maybe is a better way of saying it.

13 But, basically you put back the
14 batteries and you can change the
15 channels. I assume everyone has done
16 this at some time or other.

17 Q. Sure.

18 A. And that's the same thing I'm talking
19 about here. He gets in and pushes around
20 something. And low and behold --

21 Q. But, would you be able to do that with a
22 -- okay, and I understand --

23 A. I don't know. I really don't know what
24 could have been done. And that's why I

1 say I can't answer the question. All I
2 can say is, by analogy, indeed, there are
3 conditions I can think of where you just
4 jiggle something, or make better contact,
5 and low and behold it works like magic.

6 And whether it's the same thing
7 here, if there was, in fact, a loose wire
8 and does something, he pushed the button
9 again, and it starts, I don't know what
10 to make of it.

11 But, we also have a different
12 condition here. We have something where
13 it's not going into reverse.

14 Q. What's that indicative of?

15 A. I don't know. I don't know the problem
16 with it.

17 Q. Okay.

18 A. I have no idea what the problem is, but
19 they indicated it could not go in
20 reverse, or when they tried going in
21 reverse it would stall on them.

22 Q. Okay.

23 A. And I'd like to believe that these
24 fellows could evaluate and investigate

1 that sort of problem and find out what it
2 was. It was never done.

3 Q. Could you define for me generally, just
4 so we get a starting off point, what a
5 short circuit is? I think you used the
6 term, right?

7 A. Yeah, where something, a live wire goes
8 to ground.

9 Q. And what happens?

10 A. You get a spark, or you run down your
11 battery, or the thing just doesn't work
12 because you have an open circuit.

13 Q. Okay. And just to go back to your
14 analogy with the clicker from the TV, if
15 you had a short circuit, you wouldn't be
16 able to --

17 A. Oh, no, nothing would happen.

18 Q. It'd be fried; you'd be out of luck.

19 A. Well, I don't know whether you'd be out
20 of luck or fried, but your batteries
21 might run down if you have a short
22 circuit.

23 Q. So if the vessel -- if the motor, rather
24 -- stalled out because of a short

1 circuit, you wouldn't be able to get it
2 going five minutes later, would you?

3 A. Unless you pulled the wire away from
4 where it shorted.

5 Q. Save that, you wouldn't be able to get it
6 going, right?

7 A. No, it should not. If it shorts, it's
8 going to stay that way.

9 Q. So, not to beat this over the head, you
10 don't know one way or the other whether
11 there was an electronic problem that
12 caused the skiff to stall?

13 A. Electric or electronic, no.

14 Q. And I've heard people say, and I think
15 maybe Mr. Ramsey said it, but I'm not
16 positive so I won't -- that he thought
17 the engine needed air?

18 A. No, I think he said it needed fuel. He
19 squeezed the bulb.

20 Q. Thanks. Okay, I didn't --

21 A. And squeezing the bulb would force
22 gasoline into the engine.

23 Q. And an engine will stall, and --

24 A. If you don't get any fuel to it. You can

1 run out of gasoline in your car and it
2 stalls.

3 Q. Or you could have a problem with the fuel
4 line and it would stall?

5 A. Fuel pump, yes.

6 Q. My idea of equipment is a fork, okay?
7 That's my idea of machinery that I use.
8 Obviously, this sounds obvious, but if
9 the engine isn't getting fuel, it's going
10 to stall out?

11 A. Correct.

12 Q. And that's if you don't put fuel in it?

13 A. Correct.

14 Q. If the fuel is somehow blocked from
15 getting to the engine?

16 A. Correct. You have a fuel filter. A fuel
17 filter -- even an automobile has a fuel
18 filter. Or, generally on a diesel
19 engine, if the fuel filters are not
20 changed, the engine will stop.

21 If you get a clog in the line,
22 the engine will stop. You run out of
23 fuel, engines will stop. There are lots
24 of reasons engines will stop. However,

1 this one was doing it on a continual
2 basis. We're not talking about just this
3 one time. It was doing that days before,
4 according to Mr. King.

5 Q. Yeah, Mr. King's testimony was you kind
6 of had to gun it or something. Didn't he
7 say that?

8 A. He indicated in order to change into
9 reverse, you had to make certain that you
10 kept the engine up to speed, as I
11 remember feeling. You say, "*gun it.*"
12 All of this is indicative of an engine
13 that's not in good repair. Something's
14 wrong with it. It should have been taken
15 out of service and repaired.

16 Q. Okay. I just want to focus on this a
17 little more then. If the idea of fuel
18 needs to get to the engine to keep it
19 running, that's separate from the
20 electrical.

21 A. Absolutely.

22 Q. They're two different things.

23 A. Surely.

24 Q. So, if you've got a -- I think when I was

1 like 18, I had a car that you had to keep
2 giving it the gas or it would stall out.
3 That's not an electrical problem?

4 A. That's not an electrical problem.

5 Q. That's a fuel pump problem?

6 A. Or the engine is just not properly
7 maintained, or the engine has rings and
8 they're not seating properly. You don't
9 have enough oil. Lots of things. But,
10 it needed lots of gas in order to keep
11 running. And you could have set the gas
12 line -- that is, getting the fuel to the
13 engine -- up a little higher and you
14 wouldn't have to keep stomping on the
15 starter.

16 But again, that's indication to
17 me of something that's in poor repair,
18 poor condition for operation. And it's a
19 hazard. All of a sudden you have an
20 automobile that's going to stall on you
21 someplace. Thankfully, you're still
22 here.

23 And the same thing with Mr.
24 Ramsey. He had something that was not

1 operating properly and should have been
2 brought in for proper repair.

3 Q. Mr. Ramsey's testimony that the engine
4 wasn't getting enough fuel, does that
5 lead you to think that it's more likely
6 that it was a fuel issue than electrical?

7 A. I don't know whether he said --

8 MR. ROSENTHAL: Objection to
9 form.

10 A. -- it was not getting the fuel, or
11 whether that's Mr. King who sort of
12 suggests that it did not get fuel.

13 Q. Wasn't Mr. Ramsey's testimony that he was
14 squeezing the bulb?

15 A. But, I think Mr. King was also saying you
16 had to keep the speed up when you were
17 changing into reverse.

18 Q. Right, so put Mr. King aside. Mr.
19 Ramsey's testimony was that he was --

20 A. He was squeezing the bulb.

21 Q. -- squeezing the bulb because he didn't
22 think the engine was getting fuel.

23 A. Right.

24 Q. Does that lead you to believe that it's

1 more likely -- and I understand your
2 testimony; there's a problem with the
3 engine. I'm just trying to narrow it
4 down more.

5 Does his testimony, the
6 plaintiff's testimony, make it more
7 likely in your opinion that the problem
8 with the outboard motor was a fuel
9 problem versus an electrical problem?

10 A. Could have been, yes.

11 MR. ROSENTHAL: Objection to the
12 form.

13 A. Yes, I mean, when you're not getting
14 fuel, there's a problem with the fuel
15 pump, fuel lines, fuel filter. I don't
16 think running out of fuel is the problem.
17 I'd like to believe that that's the first
18 thing; they make certain they have enough
19 fuel.

20 Q. Right.

21 A. So, something's wrong with the fuel line,
22 carburation, whatever. Perhaps not
23 changed out properly. I don't know the
24 answer to that. But, that could have all

1 been checked when they were having all
2 these problems, and before April 5th. In
3 other words from the time March 5th, I
4 think when the sinking occurred, and was
5 returned thereafter, to April 5th, there
6 was enough time to figure out what to do
7 with it; send it back to Hochstrasser and
8 have them fix it.

9 Q. You have also opined that the skiff was
10 underpowered, --

11 A. Yes.

12 Q. -- for the swift current at the location.
13 What do you base that opinion on?

14 A. Well, firstly we have high currents.
15 Let's get back to what he's talking about
16 before. The question is, how high a
17 current do we have? Well, if you start
18 looking at currents that are anywhere
19 from 6 to 8 to 12 knots, and when one
20 starts talking about 12 knots, that is
21 huge. Deep down, I never thought it was
22 12 knots.

23 But then to find out what it was
24 since that's testimony and I had no

1 better information, then -- when I say,
2 *"better information,"* off the top of my
3 head or personal knowledge of Barnegat
4 Bay -- I went to the web to try and find
5 out what conditions, current conditions
6 might be there. I could get nowhere with
7 that. I was not able to find anything.

8 So the next answer is, I go back
9 to, *"Let's find out from testimony."*

10 Testimony is 6, 8, 10, 12; big numbers.

11 And two, one goes to either Corp
12 of Engineers or Coast Guard, and you see
13 wind conditions and sea conditions.
14 Someone talks in terms of 4 or 5 knots.
15 Therefore, I assume that that may be
16 someone who's testifying or filling out a
17 Coast Guard and says that this is the
18 number, 4 or 5 knots. And that starts to
19 sound more reasonable.

20 So I then looked, and said,
21 *"Well, let's say 4 or 5 knots, and even 6*
22 *knots."* And what is that in terms of
23 feet per minute? Well, 6 knots is about
24 10 feet per minute. And knowing the

1 speed, that is the velocity, know
2 something about the size of the \
3 can determine something about for
4 current forces, pushing on the ve

5 And there are little formulas for
6 doing that, but you can come out with
7 somewhere around 1,000 pounds pushing on
8 this vessel, if you have somewhere around
9 10 feet per second, or 6 knots, pushing
10 against the vessel.

11 And where would this be pushing
12 on the vessel? well, remember, this
13 fellow is trying to back up against the
14 current. When I say, "*this fellow*,"
15 Ramsey.

16 Q. Right.

17 A. He was trying to back up and get away
18 from the wood 1 to bring the vessel
19 alongside the wood 1. And he's trying to
20 back up into this current, and you just
21 don't have enough power to back this boat
22 into the current. And what happened, he
23 got pushed around and pushed around to
24 starboard, and pushed around -- sorry --

1 to port, because his port side went under
2 the rake of the barge. And once his port
3 side got caught on the rake of the barge,
4 he had no power in his vessel. The
5 vessel was doomed, as I would say. The
6 river, I mean the currents, pushed the
7 starboard side down and flooded the boat.
8 And at that point he decided to take his
9 big leap, and he safely got over to a
10 tire.

11 If he did not get over to the
12 tire, I think we might not have a case,
13 this kind of a case. We might have a
14 death case, because he could have been
15 brought underneath the rake of the barge,
16 and we might not hear from Mr. Ramsey
17 again.

18 So, he was one lucky maritime
19 type that he made his escape.

20 Q. Now, some of that deals with after the
21 vessel had stalled.

22 A. Oh, yes.

23 Q. But, your opinion is that even without
24 the vessel stalling out, the motor's too

1 small?

2 A. Yes, the motor's too small to work in
3 that current. Now, you can work,
4 obviously, if it's slack current. In
5 other words, slack tide, no current, you
6 can operate this vessel. There's no
7 problem with that at all. It's when you
8 try to back up against something that's a
9 large current, then you have problems.

10 And I use the same analogy, or
11 the same type engineering approach or
12 analysis on the Mississippi River, or
13 rivers where there's current. A towboat
14 coming down river, in my opinion, has to
15 have the ability to stop his tow, and
16 hold his position. Stopping a tow and
17 holding a position means that basically
18 you have to be in a position to back up.
19 When I say, "*back up*," to hold your
20 position against the river current.

21 And I've done these calculations
22 before in determining whether vessels are
23 underpowered or not. And I'm using the
24 same analogy here. You have a vessel

1 that's being caught with a current coming
2 against its stern. Can it back up
3 against the current? And I find that it
4 cannot.

5 Q. So, how exactly do you go about making
6 the calculation? Is there a book
7 somewhere that tells you?

8 A. Engineering first principles. You have
9 to know something about the size of the
10 stern. And if one assumes that somewhere
11 around 5 feet wide and 2 feet deep, you
12 have 10 square feet.

13 And you have the speed of the
14 current. And there's some little formula
15 that gives you the force, --

16 Q. Do you know the formula off the top of
17 your head?

18 A. Sure. Some coefficient times 1.99 over
19 two.

20 Q. Why 1.99?

21 A. You take the weight of salt water, which
22 is 64 pounds per cubic foot, and divide
23 it by gravity, 32.2, and you come out
24 with 1.99.